

BOARD OF ADJUSTMENT REPORT



MEETING DATE: 2/1/2006

ITEM No. _____

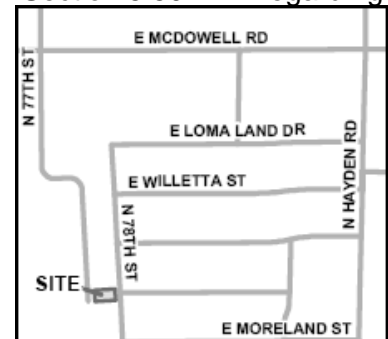
ACTION REQUESTED: Zoning Ordinance Variance

SUBJECT Gruenemeier Residence
(17-BA-2005)

REQUEST Request to approve a variance from Article V. Section 5.504.E.2.a regarding side yard setback and Article V. Section 5.504.F.2 regarding distance between main buildings.

OWNER Ken Grueremeir
480-949-5370

APPLICANT CONTACT Carlos Montoya
Express Architectural Services
480-332-9332



LOCATION 1224 N 78th Street, which is southwest of the south west corner of McDowell Road and Hayden Road

CODE ENFORCEMENT ACTIVITY No Code Enforcement activity has occurred on this case. Non-compliance with the setback requirement of the Zoning Ordinance was identified when the applicant tried to submit single-family improvement plans across the counter at the One Stop and was advised that the addition to the house did not conform to the setback requirements. The applicant was informed that he would have to submit an application to the Board of Adjustment to request a variance.

PUBLIC COMMENT The applicant has sent letters to property owners within 300 feet of the site on January 3, 2006. Neither the applicant nor staff has received any public comment on this request. No homeowners association exists in the neighborhood.

ZONE The site is zoned R1-7 (Single family Residential) District. The district provides for single family residential use on lots of 7,000 square feet or greater, with minimum front yard setbacks of 25 feet, side yard setbacks of a minimum of 5 feet and an aggregate of 14 feet with a minimum of 14 feet between main building on adjacent lots, and rear yard setbacks of 30 feet. This lot contains dimensions of 60 by 110 with an area of 6,600 square feet.

ZONING/DEVELOPMENT CONTEXT The site is located within the 206-lot McDowell Parkway residential subdivision, approved on February 7, 1958. Surrounding uses include:

North: Single-family residence in the McDowell Parkway subdivision, with the residence located about 6 feet north of the property line and having R1-7 zoning.

East: 78th Street and single-family residences in the McDowell Parkway subdivision, with the residence with R1-7 zoning.

South: Single-family residence in the McDowell Parkway subdivision, and having R1-7 zoning.

West: 77th Street with institutional uses (a youth home) and S-R (Service Residential) zoning.

ORDINANCE
REQUIREMENTS

Section 5.204.E.2.a Side Yard setback states, There shall be a side yard having a depth of not less than five (5) feet on one side and an aggregate distance of not less than fourteen (14) feet. Section 5.204.F.2.a; the distance between buildings requires that there shall be a minimum of fourteen (14) feet between main buildings on adjoining lots. The lot is currently non-conforming and is 60 by 110 or an area of 6,600 square feet. The Ordinance requires a minimum of 70 feet wide lots and minimum areas of 7,000 square feet.

DISCUSSION

The requested variance is for a 4-foot reduction in the required building side yard setback at the north side of the lot from the required aggregate side yards of 14 feet to 10 feet, or more specifically for the north side yard, from 9 feet required to 5 feet provided. Also, a variance of 4 feet is requested for the required distance between main buildings on adjoining lots from 14 to 10 feet. The proposed addition will add approximately 433 square feet to the home plus storage area within the carport and outdoor patio.

McDowell Parkway residential subdivision was approved in 1958 and was annexed into the City in 1963. Upon annexation and inclusion into the City's R1-7 District, this and other lots in the plat development did not meet minimum lot area, minimum lot width, minimum aggregate setback requirements and minimum distance between adjoining buildings. No background information has indicated that amended development standards have been applied to this plat. It appears that 5 foot side yards exist throughout the subdivision and that the City's R1-7 district zoning was applied to the area following annexation. This house and many other houses in the neighborhood are non-conforming with regard to side yard setbacks.

FINDINGS

- 1. That there are special circumstances applying to the property referred to in the application, which do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or surroundings of the property at the above address:**
The applicant indicates that the special circumstances on the property relates to the existing building setback, which currently extends to 5 feet of the property line. An addition on the rear of the residence would not bring the home closer to the property line that the setback that has already been established by the existing portion of the residence. The applicant indicates that the smaller than required width of the lot, 60 vs. 70 feet, also limits the ability to develop this lot compared to the requirements of the R1-7 District.

2. That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district:

The applicant indicates that similar side yard setbacks exist within the McDowell Parkway subdivision and that the applicant's residence is relatively small in floor area with 1,026 square feet, and the addition will allow the residents to expand the home in conformance with other homes in this area. The addition will result in a floor area of 1,459 square feet, similar to other area homes. Also, due to the width of the lot being only 60 feet, other standard sized R1-7 lots have greater lot widths for development.

3. That special circumstances were not created by the owner or applicant:

The applicant indicates that the circumstances occurred with the annexation of the area into the City in 1961. At that time the plat and homes had been authorized according to different side yard setback requirements than the City maintained to the R1-7 zoning district that was applied to this area. The current City standard of an aggregate 14 foot side yard requirement and minimum 14 foot distance between main buildings on adjacent lots, was not in effect when the plat was approved and homes built. These policies were only applied after the plat was annexed into Scottsdale. The lots were annexed with substandard widths, areas and side yard setbacks. The home was built with a reduced side yard setback.

4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general:

The applicant indicates that no adverse impacts will occur on adjoining owners and that the addition will maintain the existing side yard setbacks and distance between buildings as currently established by the existing home. Also, the requested setbacks are consistent with the side yard setbacks and distance between homes found on other lots in this area.

STAFF CONTACT

Al Ward, Senior Planner
Report Author
Phone: 480-312-7067
E-mail: AWard@ScottsdaleAZ.gov

Tim Curtis, Principal Planner
Phone: 480-312-4210
E-mail: Tcurtis@ScottsdaleAZ.gov

ATTACHMENTS

1. Project Description
2. Justification
3. Context Aerial
4. Aerial Close-up
5. Zoning Map
6. Photographs
7. Proposed Site Plan
8. Foundation Plan
9. Floor Plan/Section "A"
10. Elevations



ZONING ORDINANCE VARIANCE

Application Submittal Requirements

Project Description / Variance Details

Case Numbers: _____ - PA - _____ / _____ - BA - _____

Project Name: GRUNERMEIER

Location: 1224 N 76th St

Property Details:

☒ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial ☐ Industrial

Use: _____ Zoning: R1-7

Number of Buildings: 1 Height: _____

Setbacks: N - 9' S - 5' E - 20' W - 25'

Description of Request:

Section of the Zoning Ordinance to be varied: NORTH OF HOUSE APPROX. 4' X 10'

Project Narrative: EXISTING HOUSE IS BUILT INTO SET BACKS. ADDITION WAS REQUESTED BY CUSTOMER TO GO DIRECTLY BEHIND RESIDENCE. THE DESIGN WAS DRAWN UP AND SUBMITTED TO CITY OF SCOTTSDALE. SITE PLAN WAS REVIEWED AND STAMPED PRE-APPROVED. NEEDED ENGINEERING ON STRUCTURE. THAT WAS DONE AND RESUBMITTED, PLANS WERE STAMPED AND APPROVED, WAS ABOUT TO GET PERMIT, CITY DECIDED TO REVIEW SITE ONE LAST TIME. PLANS WERE DENIED. COST OF CONSTRUCTION IS INCREASING DAILY. EVERYTHING ON HOLD.

STAFF TO COMPLETE.

Scottsdale Ordinance Requires: SECTION 5.504.E.2.a,

Sideways and SECTION 5.504.E.2, DISTANCE BETWEEN BUILDINGS ON ADJOINING LOTS.

Request: 4 FOOT VARIANCE FROM 14 TO 10 FEET FOR BOTH AGGREGATE SIDE YARDS AND DISTANCE BETWEEN BUILDINGS ON ADJOINING LOTS

Amount of Variance: 4 FOOT

17-BA-2005
12/28/2005

Planning and Development Services Department

7447 E Indian School Road, Suite 105, S

e: 480-312-7000 • Fax: 480-312-7088



ZONING ORDINANCE VARIANCE

Application Submittal Requirements

Justification for Variance

The Board of Adjustment may not authorize a zoning ordinance variance unless ALL of the following criteria are met. Use the space provided to present your evidence that the requested variance complies; you may attach a separate sheet if you need more room.

1. Special circumstances/conditions exist which do not apply to other properties in the district:

THESE SPECIAL CONDITIONS DO EXIST ON OTHER RESIDENCE IN DISTRICT. I HAVE ATTACHED ARIALS OF SOME, AND THERE IS OTHERS IN DISTRICT AS WELL. SAMPLES "A", "B", & "C"

2. Authorizing the variance is necessary for the preservation and enjoyment of substantial property rights:

AUTHORIZING THIS VARIANCE WILL ALLOW ADDITION TO BE PULLED BACK DIRECTLY BEHIND EXISTING STRUCTURE. BY DOING THIS THE BRUENEMEIER FAMILY WILL HAVE THE EXTRA SPACE NEEDED FOR THEIR FAMILY. THE EXISTING SF IS ONLY 1026SF. WHICH IS INSUFFICIENT FOR THEIR FAMILY.

3. Special circumstances were not created by the owner or applicant:

THESE SPECIAL CIRCUMSTANCES WERE CREATED WHEN THE CITY OF SCOTTSDALE ADOPTED FROM COUNTY. ACCORDING TO ZONING ORDINANCE SEC 5.504, "A" and "B". "A" STATES LOT SHALL HAVE A MIN. OF 7,000 SF, WHICH THIS LOT ONLY HAS 6,600 S.F. AND "B" STATES MIN. WIDTH SHALL BE 70', WHERE THIS LOT ONLY HAS 60' IN WIDTH, ALONG WITH MOSTLY ALL OTHER LOTS

4. Authorizing the application will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare in general:

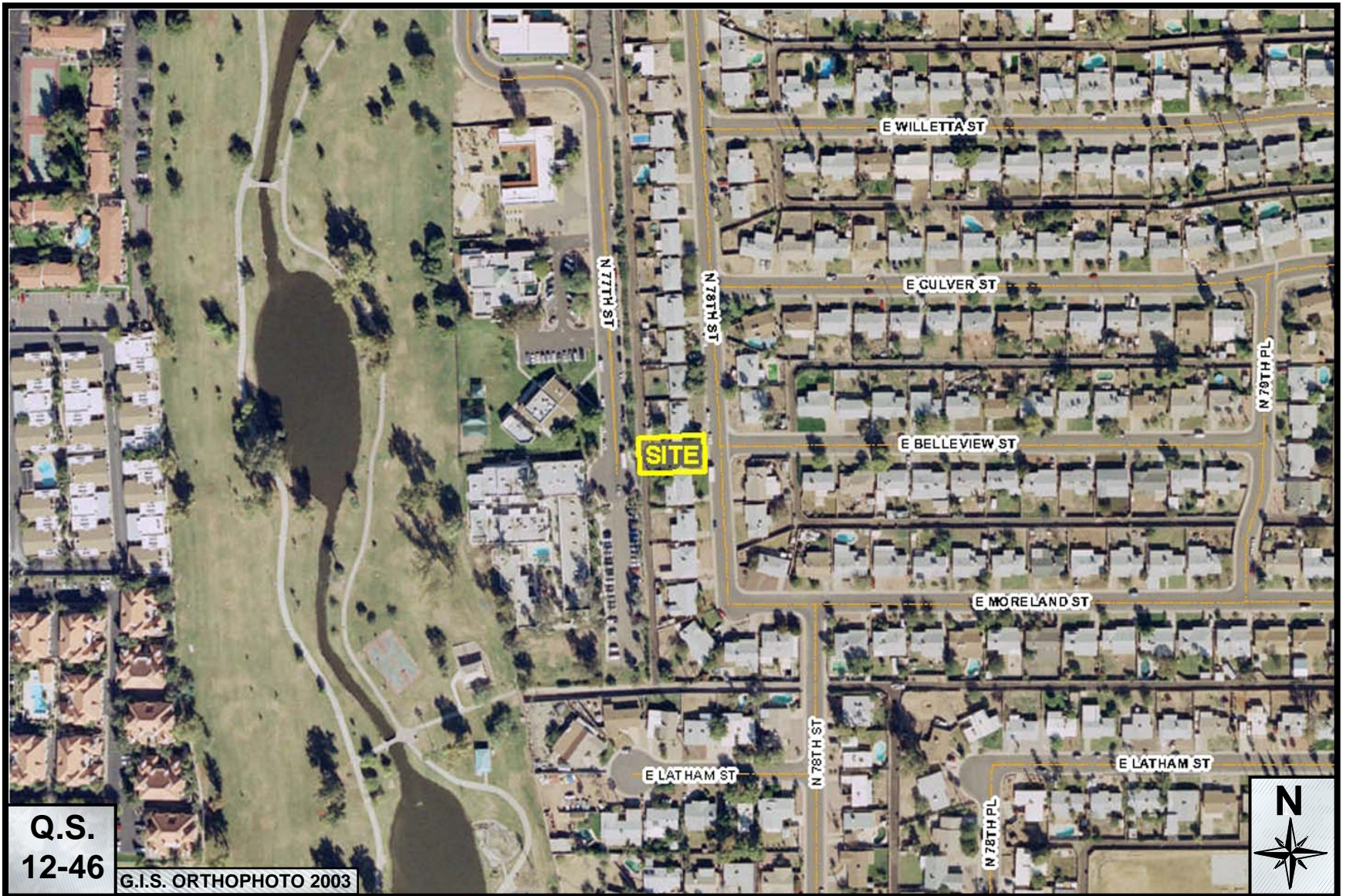
THIS PROPOSED ADDITION WILL STILL ALLOW 10' BETWEEN RESIDENCES, WHICH ZONING ORDINANCE REQUIRES.

17-BA-2005

12/28/2005

Planning and Development Services Department

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088



Gruenemeier Residence

17-BA-2005

ATTACHMENT #2A



Gruenemeier Residence

17-BA-2005

ATTACHMENT #2



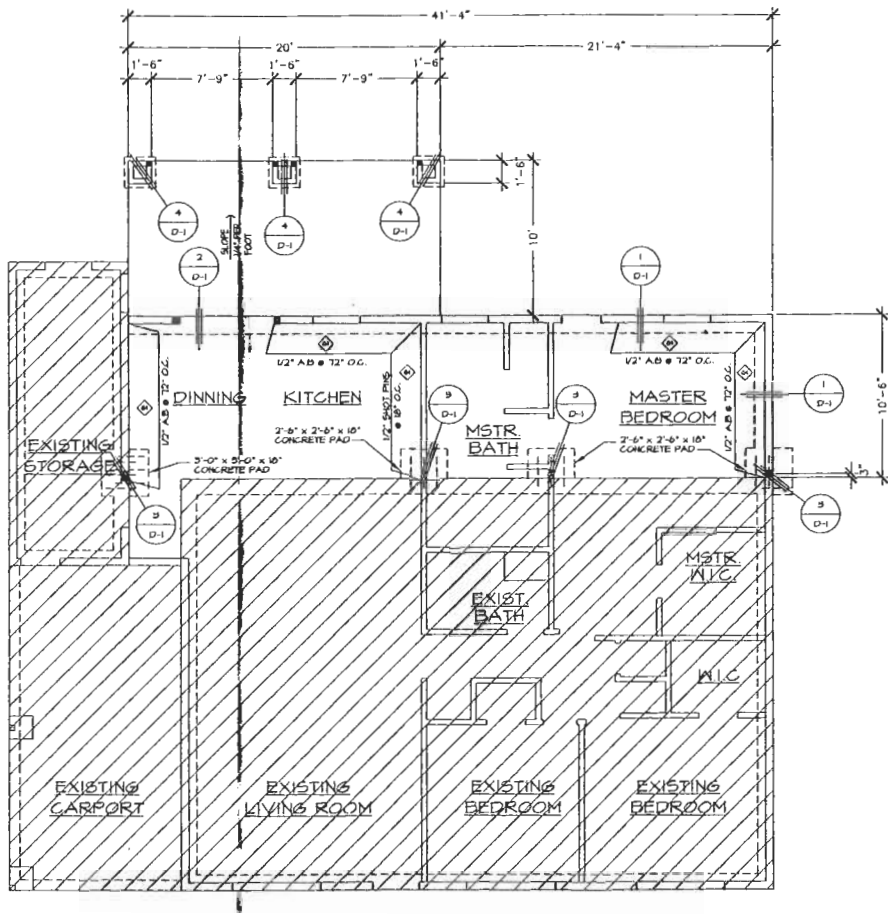
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ATTACHMENT #3

I



ATTACHMENT #6



FOUNDATION PLAN
SCALE: 1/4"=1'

CONCRETE NOTES

1. CONCRETE STRENGTH SHALL BE MIN. $f_c = 2500$ P.S.I.
2. REINFORCEMENT STRENGTH SHALL BE MIN. $f_y = 40,000$ P.S.I.
3. ALL CONCRETE FOOTINGS SHALL BE LAID ON 1'-6" MIN DEPTH
4. ALL CONCRETE SLABS SHALL BE 4" CONCRETE OVER 4" ABC FILL WITH 5 YEARS MINIMUM TERMITE PROTECTION.

REVISION	DATE	DESCRIPTION	BY	CHKD
1	12-28-05	1/2" dia. steel reinforcement bars at 12" o.c. in all slabs.	SM	SM
2	12-28-05	1/2" dia. steel reinforcement bars at 12" o.c. in all walls.	SM	SM
3	12-28-05	1/2" dia. steel reinforcement bars at 12" o.c. in all columns.	SM	SM
4	12-28-05	1/2" dia. steel reinforcement bars at 12" o.c. in all beams.	SM	SM
5	12-28-05	1/2" dia. steel reinforcement bars at 12" o.c. in all foundations.	SM	SM

Express
Architectural

Phoenix, AZ 85024
102-333-4433

GRUENEMEIER

BUILDER
EXPRESS BUILDERS

CLIENT INFO:

Client's Name: Ken Gruenemeier
Lot / Block: 12-28-05
Address: 1224 N. 10th St.
Phoenix, AZ 85012
Telephone: 480-444-3570

REVISIONS

1
2
3
4

DATE:

12-28-05

SCALE:

As Noted

DRAWN:

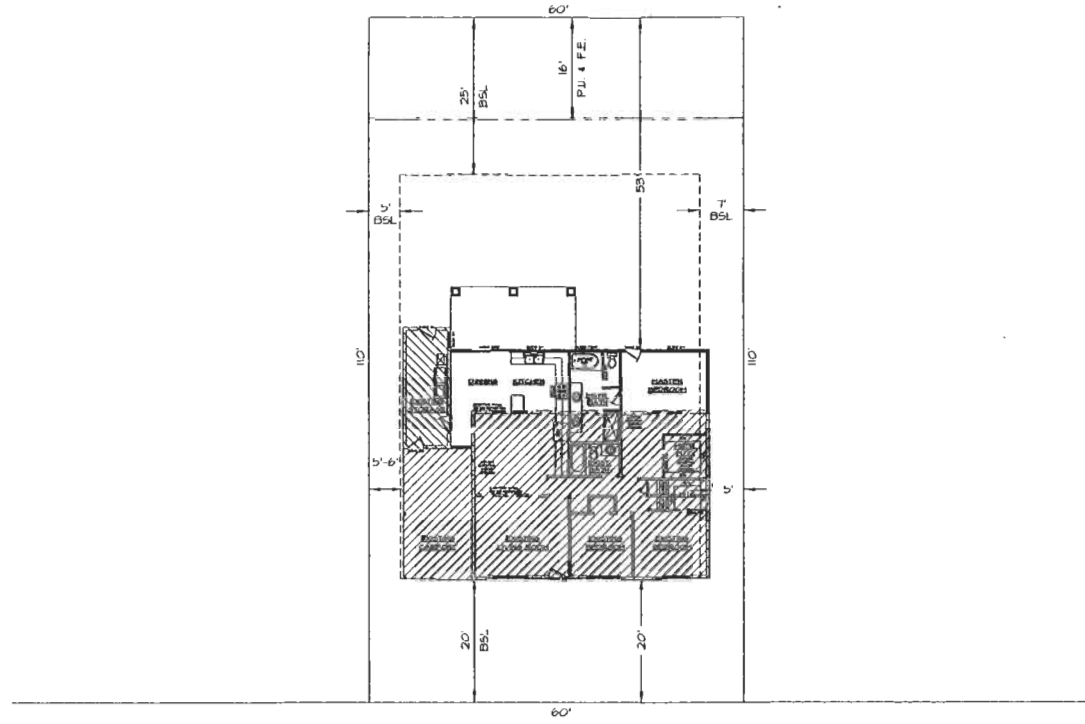
C. Montoya

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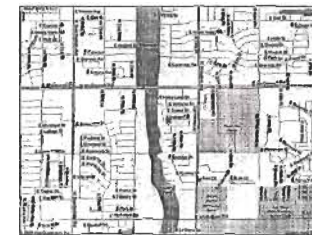
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12/28/2005



78TH STREET



KEN GRUENEMEIER 1224 N. 78th STREET SCOTTSDALE, AZ 85251 480-944-5570	
ZONING: APN: SUBDIVISION: LOT: 30 CD: 12-40	B-1-7 951-11-004 MCDONNELL PARKWAY
2008 INTERNATIONAL BUILDING CODE 2008 INTERNATIONAL RESIDENTIAL CODE 2008 INTERNATIONAL MECHANICAL CODE 2008 INTERNATIONAL FIRE CODE 2008 INTERNATIONAL ELECTRIC CODE FHA 4010	
SQUARE FOOTAGE	
EXISTING HEATED	1020 SF
EXISTING STORAGE	181 SF
EXISTING GARAGE	290 SF
ADDITIONAL HEATED	433 SF
PATIO ADDITION	200 SF
TOTAL	2044 SF
LOT AREA	6653 SF
TOTAL LOT COVERAGE	30%



FEMA BLOCK

FLOOD INSURANCE RATE MAP (FIRM) INFORMATION						
Community Number	Panel Number	Panel Date	Series	Firm Date	Firm Zone	Base Flood Elevation (and Zone, see depth)
045012	2160	4/3/05	F	4/3/05	X	N/A

Express
Architectural

Phoenix, AZ 85028
480-944-5570

GRUENEMEIER
BUILDER
EXPRESS BUILDERS

CLIENT INFO:
Client's Name: Ken Gruenemeier
Lot / Block: 30 / 12-40
Address: 1224 N. 78th St.
Telephone: 480-944-5570

REVISIONS
▲
▲
▲
▲

DATE:
12-28-05
SCALE:
As Noted
DRAWN:
C. Montoya

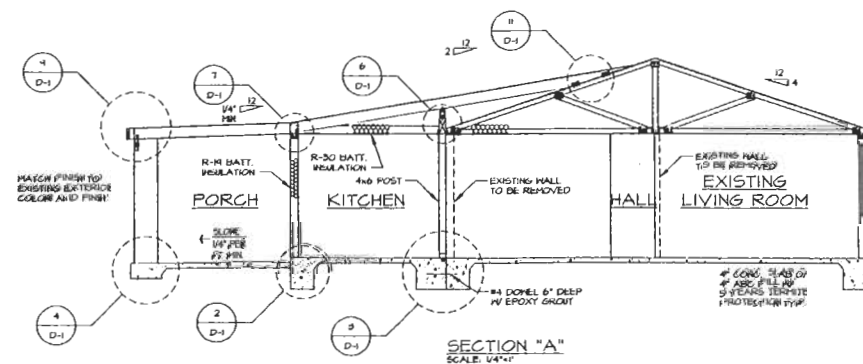
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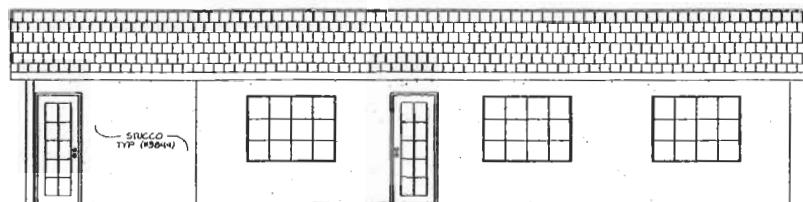
NEW WALLS _____

EXISTING WALLS _____

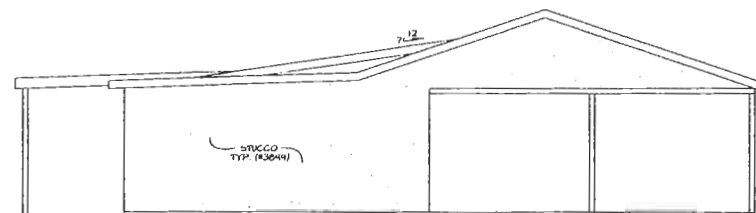
WALLS TO BE REMOVED _____



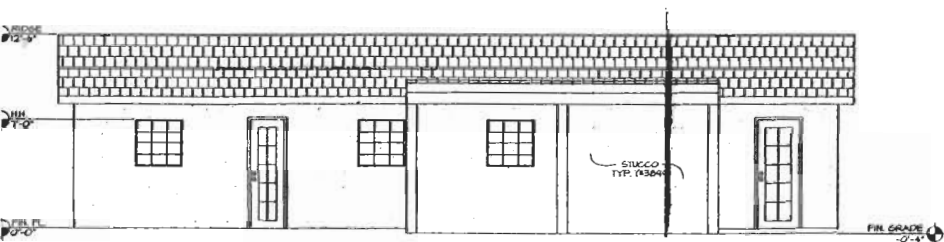
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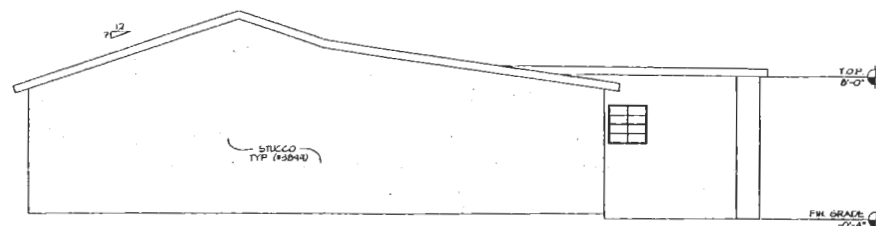
FRONT ELEVATION
SCALE 1/4"=1'-0"



RIGHT ELEVATION
SCALE 1/4"=1'-0"



REAR ELEVATION
SCALE 1/4"=1'-0"



LEFT ELEVATION
SCALE 1/4"=1'-0"